

REMARKS

Applicants respectfully request reconsideration of this application as amended. Claims 1-50 remain in the application. No claims have been canceled.

Rejections Under 35 U.S.C. § 103(a)

Claims 1-50 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,319,542 of King et al. ("King") in view of U.S. Patent No. 5,758,327 of Gardner ("Gardner") and further in view of U.S. Patent No. 5,315,504 of Lemble ("Lemble").

Claims 1-34, 40-45, and 46-50

Applicants concur with the broadest reasonable interpretation of the claimed term "electronic receipt," as described in the Office Action mailed July 2, 2003, "to include any electronic form used to acknowledge that goods and services have been received." (Office Action dated 7/2/2003, p. 5, paragraph 1)

The Office Action further states "King discloses a system that generates purchase requisition records (Col 2, lines 20-67) . . . King provides an entire process, from preparing catalogs to receipt of orders. On a computer system such as King's, receipts are often called electronic receipts." (Office Action dated 7/2/2003, p. 5, paragraph 2)

Applicants respectfully disagree with this interpretation of King. King discloses specific aspects of an electronic requisition process, such as preparing a requisition form of items to order and sending a purchase order to a supplier [see King, col. 1, lines 12-20, col. 5, line 30 – col. 6, line 29]. King also discloses that the "entire process, from preparing catalog to *receipt of orders*, often took several weeks, and possibly months." (emphasis added) (see King, col. 1, lines 19-21). This "receipt of orders", however, discloses the act of receiving an ordered item. King does not disclose that after the ordered item is

received, the system may generate “an electronic receipt” to acknowledge receipt of the item, as claimed.

As the Office Action further states, “King, Gardner and Lemble do not use the term ‘electronic receipts’ or ‘desktop receipt.’ It was well known to one of ordinary skill that users often acknowledge that they have received goods or services at various points in a requisition process by notifying appropriate persons. While the notifications may be in paper form, on a computer system it may be more convenient to issue the notification in electronic format, perhaps via email, fax. Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to include electronic “receipts” or ‘desktop.’ One of ordinary skill at the time the invention was made would have been motivated to include electronic ‘receipts’ or ‘desktop receipts’ for the obvious reason that in accounting, such receipts are a common, ordinary item in everyday business.” (Office Action dated 7/2/2003, p. 5, paragraph 3)

Applicants respectfully object to such Official Notice and request the Examiner to cite references in support of this position. There is no indication that any prior art systems disclosed any electronic form used to acknowledge that goods or services have been received, via an electronic receipt, as recited in claims 1, 40, and 46. Issued patents, such as King and Gardner, highlight the advantage of overcoming the manual, labor intensive and costly operation of typical procurement systems and inventing a new and improved electronic procurement/requisition system (see King, col. 1, lines 12-25). The electronic receipts, as claimed, is *an improvement* to prior art electronic procurement/requisition systems and overcome the notification in “paper form” as disclosed in the office action, at least because of the speed of delivery and simple recordation, without subsequent data entry or physical filing, among other advantages. The “notices” recited in the Office Action and equated to “electronic receipts” to financial and managerial accounting, fail to disclose and recognize that a requestor of an ordered item may use the electronic receipt to accept or reject the ordered item. Furthermore, the

electronic receipt may trigger a payment to be made for the ordered item upon generating the electronic receipt, as claimed in claims 44 and 50. Typically, electronic commerce systems require payment of an ordered item before an item is shipped. The use of an electronic receipt allows for the payment of an ordered item by, for example, a purchasing agent after the requestor of the ordered item has acknowledged satisfactory delivery. Furthermore, electronic receipts overcome problems of communicating a reason why an ordered item was rejected (or accepted) by including commentary, as claimed in claims 41, 43, 45, and 48. This is especially helpful to a supplier if a third party shipping carrier, such as Federal Express, simply returns the ordered item to the supplier without an explanation as to why the order was rejected, which is typically the case. The combination does not suggest using electronic receipts in electronic commerce. The mere fact that King, Gardner or Lemble might be later modified to allow for such an electronic receipt does not render the claims obvious [MPEP §2143.01]. Therefore, Applicants respectfully traverse the assertion that this is well known in the art and request a reference in support of such an assertion per MPEP §2144.03 if the rejection is maintained.

Claims 35-39

Claim 35 recites

A machine-readable medium having a set of executable instructions to cause a machine to perform a method for facilitating electronic commerce, the method comprising:

querying a user about a purchasing decision via a user interface, wherein the user is to reply to the query by selecting one or more requisition information selections from a user interface;

receiving the selected requisition information;

presenting additional requisition information selections to be selected via the user interface based on the previously selected requisition information; and

generating automatically an electronic requisition form based on the selected requisition information, the selected requisition information to include a item description of an item being offered by at least one of a plurality of suppliers.

Applicants respectfully traverse the rejection to claims 35-39 because the combination does not teach each and every element as claimed in claim 35. The Office Action states that “although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.” (Office Action dated 7/2/2003, p. 2, paragraph 4) However, Applicants respectfully submit that the Office Action does not properly communicate the basis for rejection to independent claim 35. For example, the Office Action fails to set forth “the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate.” [MPEP §706.02(j)] Accordingly, Applicants respectfully request an indication of where the prior art reference (or references when combined) teach or suggest all the claim limitations of independent claim 35. [MPEP §706.02(j)] If Official Notice is taken, Applicants respectfully object to such Official Notice and request references in support of this position.

CONCLUSION

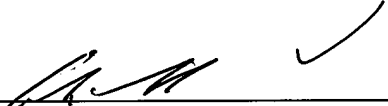
Applicants respectfully submit that the rejections have been overcome by the remarks, and that the Claims are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the Claims be allowed.

If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

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